

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NICHOLAS J. GENOVESE,

Plaintiff,

-v-

UNITED STATES OF AMERICA,

Defendant.

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22-CV-800 (JMF)

18-CR-183 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

Nicholas Genovese, proceeding *pro se*, filed a motion pursuant to 28 U.S.C. § 2255. Having reviewed the parties' submissions, the Court concludes that it may need to reach the merits of Genovese's claims. Accordingly, and because counsel was appointed solely with respect to the issues of timeliness and waiver (and, consistent with the terms of appointment, briefed only those issues), the Court grants Genovese an opportunity to respond to the Government's submission on the merits. Any such response shall be filed by **July 14, 2022**. And to be clear, any such response shall be filed by Genovese *pro se*, as the Court, having considered the factors set forth in *Hodge v. Police Officers*, 802 F.2d 58, 61-62 (2d Cir. 1985), has not, and does not, appoint counsel with respect to the merits.

The Clerk of Court is directed to mail a copy of this Order to Genovese.

SO ORDERED.

Dated: June 13, 2022  
New York, New York



JESSE M. FURMAN  
United States District Judge